

## **REMARKS/ARGUMENTS**

### **1.) Claim Rejections – 35 U.S.C. §102(b)**

The Examiner rejected claims 18-20, 24-26 and 30 as being anticipated by Deering, *et al.* (IETF RFC 2460, 12/1998). The Applicant traverses the rejections.

First, it is to be remembered that anticipation requires that the disclosure of a single piece of prior art reveals **every** element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Whereas Deering fails to anticipate each and every limitation of claims 18-20, 24-26 and 30, those claims are not anticipated thereby.

Claim 18 recites:

18. A method of coding data in a data package in a data stream, said data package containing information on a source of origin and a destination for the data package, wherein the coding takes place in a coding system containing a plurality of coding algorithms, wherein:

an identification system attaches information to the data package, said information being provided from said information on the source of origin of the data package and its destination;

the coding system utilizes said attached information to select one of said plurality of coding algorithms; and

the coding system codes said data according to the selected coding algorithm. (emphasis added)

According to the claimed invention, an identification system attaches information to a data package. Subsequently, a coding system utilizes the attached information to select one of a plurality of coding algorithms and then codes the data according to the selected coding algorithm. Obviously, the coding of data in a data package would occur before the data package is sent to its destination; otherwise, there would be no advantage to coding the data.

According to the teachings of Deering, Internet Protocol version 6 (IPv6) headers can include additional "extension headers, each identified by the Next Header field of

the preceding header.” (Deering: Section 4, Paragraph 1) The “extension headers” described in Deering are not the same as, or even analogous to, the “information” attached to a data package according to Applicant’s invention, which is then used to select one of a plurality of coding algorithms for coding data in the data package. This is made apparent by noting that Deering states that “[with] one exception, extension headers are not examined or processed by any node along a packet’s delivery path, until the packet reaches the node . . . identified in the Destination Address field of the IPv6 header.” As noted above, the coding of data in a data package would necessarily occur before the data package is sent to its destination; otherwise, there would be no advantage to coding the data. Therefore, the “information” attached to a data package according to Applicant’s invention is not the same as an “extension header” according to Deering, because such an extension header is only utilized upon *receipt* of a packet at its destination, whereas the “information” attached to a data packet according to Applicant’s invention is then used to select a coding algorithm that is used to code the data in the data packet before it is sent to its destination.

Furthermore, Deering does not disclose any “extension header” that contains any information utilized for selecting from a plurality of coding algorithms. As noted in Deering at the end of Section 4, the set of possible “extension headers” only include: Hop-by-Hop Options, Routing (Type 0), Fragment, Destination Options, Authentication, and Encapsulating Security Payload. None of those relate to coding, much less the use of information relating to coding to select one of a plurality of coding algorithms and the coding of the data in a data package using such selected coding algorithm. Therefore, Deering fails to anticipate claim 18.

Whereas claim 24 recites limitations analogous to those of claim 18, Deering also fails to anticipate that claim. Furthermore, whereas claims 19-20 are dependent from claim 18 and claims 25-26 and 30 are dependent from claim 24, and include the limitations of their respective base claims, they are also not anticipated by Deering.

### 3.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 21, 23, 27 and 29 as being unpatentable over Deering in view of Shaffer, *et al.* (US 6757277); claims 22 and 28 as being unpatentable over Deering in view of Barakat, *et al.* (US 20030040310); and claim 31 as being unpatentable over Deering in view of Yajima, *et al.* (US 5873058). The Applicant traverses the rejections.

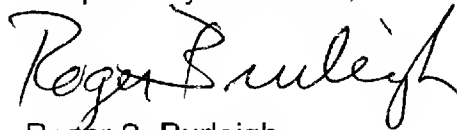
As established *supra*, claims 18 and 24 are not anticipated by Deering. Shaffer, Barakat and Yajima also fail to teach the unique combination of elements recited in claims 18 and 24. Therefore, claims 18 and 24 would not be obvious over Deering in view of Shaffer, Barakat or Yajima. Therefore, whereas claims 21 and 23 are dependent from claim 18 and claims 27, 29 and 31 are dependent from claim 24, and include the limitations of their respective base claims, they are also not obvious over Deering in view of Shaffer, Barakat or Yajima.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 18-31.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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